## OPINIONS AND DECLARATIONS RENDERED BY THE INTER-NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E. Secretary to the Commission

VOLUME 19. Part 1. Pp. 1-44

## **OPINION 516**

JUNG

LIDRAR'

Determination under the Plenary Powers of the relative precedence to be assigned to certain works on the Order Lepidoptera (Class Insecta) published in 1775 by Pieter Cramer, Michael Denis & Ignaz Schiffermüller, Johann Christian Fabricius, Johann Casper Fuessley, and S. A. von Rottemburg respectively

## LONDON :

Printed by Order of the International Trust for Zoological Nomenclature

and

Sold on behalf of the International Commission on Zoological Nomenclature by the International Trust at its Publications Office 41, Queen's Gate, London, S.W.7

1958

**Price One Pound Eight Shillings** 

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Issued 16th May, 1958

## INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE **RULING GIVEN IN OPINION 516**

#### The Officers of the Commission A.

Honorary Life President : Dr. Karl JORDAN (British Museum (Natural History), Zoological Museum, Tring, Herts., England)

President : Professor James Chester BRADLEY (Cornell University, Ithaca, NY., U.S.A.) (12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (Sao Paulo, Brazil) (12th August 1953) Secretary: Mr. Francis HEMMING (London, England) (27th July 1948)

#### The Members of the Commission **B**.

(Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology)

Professor H. Boschma (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) (1st January 1947)

Mr. Francis HEMMING (London, England) (27th July 1948) Mr. Francis HEMMING (London, England) (27th July 1948) (Secretary) Dr. Henning LEMCHE (Universitetets Zoologiske Museum, Copenhagen, Denmark) (27th July 1948)

(27h) July 1946) Professor Teiso Esaki (Kyushu University, Fukuoka, Japan) (17th April 1950) Professor Pierre BONNET (Université de Toulouse, France) (9th June 1950) Mr. Norman Denbigh RILEY (British Museum (Natural History), London) (9th June 1950) Professor Tadeusz Jaczewski (Institute of Zoology, Polish Academy of Sciences, Warsaw, De 1950)

Poland) (15th June 1950) Professor Robert MERTENS (Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt

a. M., Germany) (5th July 1950) Professor Erich Martin HERING (Zoologisches Museum der Humboldt-Universität zu Berlin, Germany) (5th July 1950)

Senhor Dr. Afranio do Amaral (S. Paulo, Brazil) (12th August 1953) (Vice-President) Professor J. R. DYMOND (University of Toronto, Toronto, Canada) (12th August 1953) Professor J. Chester BRADLEY (Cornell University, Ithaca, N.Y., U.S.A.) (12th August 1953) (President)

Professor Harold E. VOKES (University of Tulane, Department of Geology, New Orleans, Louisiana, U.S.A.) (12th August 1953)
 Professor Béla HANKÓ (Mezögazdasági Muzeum, Budapest, Hungary) (12th August 1953)
 Dr. Norman R. STOLL (Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.)
 (12th August 1952)

(12th August 1953) Mr. P. C. Sylvester-Bradley (Sheffield University, Sheffield, England) (12th August 1953) Dr. L. B. Holthuis (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) (12th August 1953)

Dr. K. H. L. KEY (Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia) (15th October 1954) Dr. Alden H. MILLER (Museum of Vertebrate Zoology, University of California, U.S.A.)

(29th October 1954)

Doc. Dr. Ferdinand PRANTL (Národni Museum V Praze, Prague, Czechoslovakia) (30th October 1954) Professor Dr. Wilhelm KÜHNELT (Zoologisches Institut der Universität, Vienna, Austria)

(6th November 1954)

Professor F. S. BODENHEIMER (The Hebrew University, Jerusalem, Israel) (11th November 1954)

Professor Ernst MAYR (Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.) (4th December 1954) Professor Enrico TORTONESE (Museo di Storia Naturale, "G. Doria", Genova, Italy)

(16th December 1954)

## DETERMINATION UNDER THE PLENARY POWERS OF THE RELATIVE PRECEDENCE TO BE ASSIGNED TO CERTAIN WORKS ON THE ORDER LEPIDOPTERA (CLASS INSECTA) PUBLISHED IN 1775, BY PIETER CRAMER, MICHAEL DENIS & IGNAZ SCHIFFER-MÜLLER, JOHANN CHRISTIAN FABRICIUS, JOHANN CASPAR FUESSLY, AND S. A. VON ROTTEMBURG RESPECTIVELY

**RULING :**—(1) The following action is hereby taken under the Plenary Powers :—

- (a) It is hereby directed that the paper by Rottemburg
  (S.A.von) entitled "Anmerkungen zu den Hufnagelischen Tabellen" published in 1775 partly in Volume 6 (: 1—34) of the serial publication *Der Naturforscher* and partly in Volume 7 (: 105—112) of the same serial be treated as having priority over the under-mentioned works published in the same year :—
  - (i) Fuessly (J.C.), Verzeichniss der ihm bekannten schweizerischen Insekten;
  - (ii) [Denis (M.) & Schiffermüller (I.)], Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend.

#### OPINIONS AND DECLARATIONS

(b) It is hereby directed that the work by Fuessly (J.C.) entitled Verzeichniss der ihm bekannten schweizerischen Insekten published in 1775 be treated as having priority over the anonymous work by Denis (M.) & Schiffermüller (I.), entitled Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend published in the same year.

(2) The date of publication of the work by Fabricius (J.C.) entitled *Systema Entomologiae* is hereby determined as having been Easter Monday, 17th April 1775.

(3) It is hereby directed that the under-mentioned works or parts of works be treated for the purposes of the Law of Priority as having the relative precedence specified below :---

- (a) Fabricius (J.C.), [17th April] 1775, Systema Entomologiae;
- (b) Rottemburg (S.A.von), 1775, paper entitled "Anmerkungen zu den Hufnagelischen Tabellen" published in the serial publication *Der Naturforscher*, partly in Volume 6 (: 1—34) and partly in Volume 7 (: 105—112) (a work published in 1775 on an unknown date which under the Plenary Powers in (1)(a) above has been accorded precedence over the works by Fuessly (J.C.) and Denis (M.) & Schiffermüller (I.) specified respectively in (c) and (d) below, the latter of which was published in the above year on some unknown date prior to 8th December 1775, on which date a review of it was published);

(c) Fuessly (J.C.), 1775, Verzeichniss der ihm bekannten schweizerischen Insekten (a work published in

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1775 on an unknown date which under the Plenary Powers in (1)(a) and (1)(b) above has been accorded precedence after the paper by Rottemburg (S.A. von) entitled "Anmerkungen zu den Hufnagelischen Tabellen" published in 1775 in the serial publication *Der Naturforscher* but above the work by Denis (M.) & Schiffermüller (I.) entitled *Ankündung* [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend published in that year on some unknown date prior to 8th December 1775);

- (d) [Denis (M.) & Schiffermüller (I.)], [pre-8th December] 1775, Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend (a work which under the Plenary Powers in (1)(a) and (1)(b) above ranks for precedence after each of the under-mentioned works which, having been published on unknown dates in 1775 would otherwise have ranked for priority only as from 31st December and therefore after the present work by Denis & Schiffermüller which ranks from 8th December 1775 :— (i) Rottemburg (S.A.von), paper published in the serial publication Der Naturforscher under the title "Anmerkungen zu den Hufnagelischen Tabellen"; (ii) Fuessly (J.C.), Verzeichniss der ihm bekannten schweizerischen Insekten);
- (e) Cramer (P.), [1775], *Uitlandsche Kapellen*, vol. 1, pp. 1–132, pls. 1–84 (published on unknown dates in 1775 and accordingly ranking for priority as from 31st December of that year and therefore after the works by Fabricius, Rottemburg, Fuessly and Denis & Schiffermüller specified in (a) to (d) above respectively).

(4) The titles of the works by Fabricius, Rottemburg, Fuessly and Denis & Schiffermüller severally specified in

(a), (b), (c) and (d) in (3) above are hereby placed on the *Official List of Works Approved as Available for Zoological Nomenclature* with the Title Numbers 34 to 37 respectively, the entry so be made in respect of each of the above works to be endorsed, so far as applicable, as specified in (1), (2), and (3) above.

(5) The title of the under-mentioned work and of the supplement thereto is hereby placed on the Official List of Works Approved as Available for Zoological Nomenclature with the Title Number 38, the dates to be assigned for the purposes of the Law of Priority to the several portions thereof to be those specified below and the entry relating to the portion published in 1775 to be endorsed as shown below :—

Cramer (P.), De Uitlandsche Kapellen voorkomende in de drie Waereld-Deelen Asia, Africa en America

(a) Written by Pieter Cramer and published during his lifetime

Volume

## Pages

1-132

Plates Date to be assigned for the purposes of the Law of Priority

[1775]

1

1—84

Endorsement :---The above portion to be treated as having been published on 31st December 1775 and therefore as ranking for the purposes of the Law of Priority below the work by Denis (M.) & Schiffermüller (I.) entitled Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend published in the same year on some date prior to 8th December.

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Volume Pages Plates Date to be assigned for the purposes of the Law of Priority

1	133—156	85—96	[1776]
2	1—152	97—192	[1777]
3	1—104	193—252	[1779]

(b) Written by Cramer and published after his death by Caspar Stoll

3	105—176	253—288	[1780]
4	1—28	289—304	[1780]

(c) Continuation by Caspar Stoll

4	29—90	305—336	[1780]
4	91—164	337—372	[1781]
4	165—252 1—29*	373—400	[1782]

[\*Note : This concluding item contains an essay by Stoll entitled "Proeve van eene Rangschikkinge der Donsvleugelige Insecten Lepidopterae. Welker Afbeeldingen in de vier Deelen von dit Werk zyn te vinden. Door Caspar Stoll.]

Stoll (C.), Aanhangsel van het Werk, de Uitlandsche Kapellen voorkomende in de drie Weereld-Deelen Asia, Africa en America, door den Heere Pieter Cramer

1-42	1—8	[1787]
43—184	942	[1790]

## I. THE STATEMENT OF THE CASE

Origin of the present investigation : The investigation dealt with in the present Opinion is concerned with the determination of the relative precedence to be accorded to five works or parts of works dealing with the Order Lepidoptera (Class Insecta) published in 1775. In a number of cases each of two of these works contains a new name for the same species and the lack of evidence as to which of these works should be treated as having precedence over the other has for long been a cause of instability and confusion in the nomenclature of the group concerned. This problem was one of a number involved in an application regarding a somewhat similar issue which had come to light in connection with the relative priority of certain pairs of names published in 1807 for identical species by Fabricius and Illiger respectively. This had been submitted to the Commission in 1946 by Mr. Francis Hemming (London) (1947, Bull. zool. Nomencl. 1: 261-269). One of the generic names involved in that case (*Castnia* Fabricius) had as its type species a nominal species, the name of which was published in 1775 in one of the works concerned in the present Opinion and was a homonym of a name for a different species published in the same year in another of the works here involved. At the time of the submission of the foregoing application the question of the availability of the above specific name, though one which required attention by the Commission, did not enter directly into that case, for the Official List of Specific Names in Zoology had not as yet been established by the International Congresses of Zoology and in consequence there was then no need for action to be taken by the Commission in regard to that specific name in that particular connection. When, however, the question of the Illiger and Fabricius names came to be considered by the International Commission at its Session held in Paris in 1948, the foregoing Official List had already during the same Session been brought into existence and the Commission was in consequence faced directly with the question whether the specific name (icarus Cramer, [1775], Papilio) of the type species of the genus Castnia Fabricius was an available name and should therefore be placed on the above Official List or whether it should be rejected as a junior homonym of the other specific name (icarus Rottemburg, 1775, Papilio) published in the same year. The following is an extract from the Official

Record of the Proceedings of the Commission at the Fourteenth Meeting of its Paris Session held on Monday, 26th July 1948 at which this matter was brought to its attention (1950, *Bull. zool.* Nomencl. 4: 455–456) :--

The Acting President [Mr. Francis Hemming] added that, while he had obtained the support of Mr. N. D. Riley and Mr. W. H. T. Tams (British Museum (Natural History)) for the proposed addition to the Official List of Generic Names of the two names of genera of the Sub-Order Heterocera (Castnia, Urania), he had not at that time considered the question of the oldest available names for the type species of those genera, there having been no need to do so, the *Official List of Specific Trivial Names* not then having been in existence. In the case of the type species of the first of these genera, there was, he knew, a difficult underlying problem of the relative precedence to be accorded to certain books published on unknown dates in the same year (1775), on which a decision would first have to be taken by the Commission as a question of principle. The books concerned were : (1) volume 1 of Cramer's Uitlandsche Kapellen (in which Papilio icarus, the name of the type species of the genus Castnia Fabricius, was first published); (2) a paper entitled Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge by von Rottemburg published in volume 6 of the journal Naturforscher; (3) the anonymous work Ankündung eines systematisches Werkes von den Schmetterlingen der Wiener Gegend (the so-called Wiener Verzeichniss) by Schiffermüller & Denis; (4) the Systema Entomoligiae of Fabricius. In the circumstances, he proposed that the Commission should agree to place on the Official List whatever might ultimately be found to be the oldest available trivial names for the type species of these genera.

2. Procedural decisions taken in Paris in 1948: At the conclusion of the discussion recorded in the immediately preceding paragraph the Commission used its Plenary Powers to suppress the long-overlooked generic names published by Illiger in 1807 and placed those names on the Official Index of Rejected and Invalid Generic Names in Zoology. Having done so, the Commission then placed on the Official List of Generic Names in Zoology all those of the equivalent generic names published by Fabricius in the same year that had not already been placed on that List, with the exception of one name (Thymele Fabricius, 1807) which was invalid as a junior objective synonym of an older name (Erynnis Schrank, 1801) and which was thereupon placed on the Official Index. At the same time the Commission

placed the specific names of the type species of the foregoing genera on the Official List of Specific Names in Zoology (then styled the "Official List of Specific Trivial Names in Zoology"), with the exception of the specific name of the type species of the genus Castnia Fabricius, 1807, as regards which (as already explained) there arose the question of the relative priority to be accorded to the various works published in 1775 with which the present Opinion is concerned. The decisions so taken were later embodied in Opinion 232 (1954, Ops. Decls. int. Comm. zool. Nomencl. 4: 249-274). Having thus disposed of all matters arising in connection with the foregoing application, except that of the possible addition to the Official List of Specific Names in Zoology of the specific name of the type species of the genus Castnia Fabricius, 1807, the Commission gave directions that an investigation of the question of the relative priority to be accorded to the works dealing with the Order Lepidoptera published on unknown dates in 1775, with which the question of the addition to the Official List of the above specific name was bound up, should be undertaken by the Secretary in consultation with other specialists in the Order Lepidoptera. The following is an extract from the Official Record of the Proceedings of the Commission of the decision so taken (1950, Bull. zool, Nomencl. 4: 459) :--

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(8) to invite the Secretary to the Commission, in consultation with other specialists in the Order Lepidoptera to submit proposals for the determination by the Commission, under the procedure agreed upon at the meeting noted in the margin of the relative priority to be assigned to different names for the same species and to the same name for different species published in 1775 (a) by Cramer in volume 1 of his Uitlandsche Kapellen, (b) by von Rottemburg in a paper entitled Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge published in volume 6 of the journal Naturforscher (c) by Schiffermüller & Denis in the anonymous work Ankündung eines systematisches Werkes von den Schmetterlingen der Wiener Gegend, and (d) by Fabricius in his Systema Entomologiae;

(9) to place on the Official List of Specific Trivial Names in Zoology whichever might, in the light of the decision on

(8) above, be found to be the oldest available trivial name for the type species of the genus *Castnia* Fabricius, 1807.

- (10) to place on the *Official List of Specific Trivial Names in Zoology* whichever, after consultation with specialists, was found to be the oldest available trivial name for the type species of the genus *Urania* Fabricius, 1807;
- (11) to render *Opinions* recording the decisions specified in (1) to (6)<sup>1</sup>, and, when completed, in (9) and (10) above.

3. Submission by Mr. Hemming in 1957 of a Report with recommendations : The investigation with which Mr. Hemming was charged at the Session of the Commission held in Paris in 1948 (paragraph 2 above) proved laborious and intricate and it was not until November 1957 that he found it possible to submit to the Commission a Report on the investigations which he had carried out in consultation with interested specialists, with recommendations as to the solution which it appeared would most conduce to the maintenance of established nomenclatorial practice in the group concerned. In view of the detailed character and consequent length of Mr. Hemming's Report, it has been judged more convenient to attach it as an Annexe rather than actually to incorporate it in the main text of the present *Opinion*.

## II. THE SUBSEQUENT HISTORY OF THE CASE

4. Registration of the present case : Upon the publication in 1950 of the Official Record of the Proceedings at the Session

<sup>&</sup>lt;sup>1</sup> The decisions taken under the Numbers (1) to (6), which were concerned with certain generic and specific names in the Order Lepidoptera were later duly embodied in *Opinion* 232 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 249-274).

held by the Commission in Paris in 1948, containing the terms of reference of the investigation with which the present *Opinion* is concerned, the problem so involved was allotted the Registered Number Z.N.(S.) 448.

5. Publication of the present case : The terms of reference of the enquiry entrusted to the Secretary in the present case were published on 9th June 1950 (*Bull. zool. Nomencl.* **4** : 459). A fuller statement of the issues involved, together with an appeal to specialists for advice<sup>2</sup>, was published on 15th April 1952 (Hemming, 1952, *Bull. zool. Nomencl.* **7** : 204–206).

6. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use of the Plenary Powers in the present case was given on 15th April 1952 (a) in Double Part 7/8 of Volume 7 of the *Bulletin of Zoological Nomenclature* (the Part in which the summary of the present case and the appeal to specialists for advice were published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological publications and to eight entomological serials in various parts of the world.

7. Comments received : Comments on the issues involved in the present case were received from five specialists (Italy, one; Netherlands, one; United Kingdom, two; U.S.A., two). The communications so received, which showed a high degree of general agreement with one another on the majority of the issues involved, have been reproduced in Appendix 2 to the Report submitted to the Commission by the Secretary on 20th November 1957, the text of which is reproduced in the Annexe to the present *Opinion*.

<sup>&</sup>lt;sup>2</sup> The text of the paper here referred to will be found in Appendix 1 to the Report by the Secretary, which is reproduced in the Annexe to the present *Opinion*.

**8.** No objection received : No objection was received from any source to the use of the Plenary Powers for the purpose of securing a final settlement of the problem involved in the present case.

# III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**9.** Issue of Voting Paper V.P.(O.M.)(57)25 : On 26th November 1957 a Voting Paper (V.P.(O.M.)(57)25) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the relative precedence to be accorded to five works on the Order Lepidoptera published in 1775, as set out in Points (1) to (4) in paragraph 20 of the paper bearing the Registered Number Z.N.(S.) 448 [i.e. in the paragraph numbered as above in the paper reproduced in the Annexe to the present *Opinion*] submitted by the Secretary simultaneously with the present Voting Paper.

**10. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 26th December 1957.

**11.** Particulars of the Voting on Voting Paper V.P.(O.M.)(57)25 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(57)25 was as follows :---

(a) Affirmative Votes had been given by the following twenty-two
(22) Commissioners (arranged in the order in which Votes were received):

Holthuis; Bonnet; Lemche; Hering; Riley; Prantl; Stoll; Mayr; Boschma; Tortonese; Mertens; Vokes; do Amaral; Miller; Hemming; Bodenheimer; Cabrera; Dymond ; Bradley (J.C.) ; Kühnelt ; Jaczewski ; Sylvester-Bradley ;

(b) Negative Votes :

None;

(c) On Leave of Absence, one (1):

Key;

(d) Voting Papers not returned, two (2):

Hankó; Esaki<sup>3</sup>.

12. Declaration of Result of Vote : On 27th December 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(57)25, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

13. Preparation of the Ruling given in the present "Opinion": On 12th January 1958, Mr. Hemming prepared the Ruling given

<sup>&</sup>lt;sup>3</sup> Shortly after the close of the Prescribed Voting Period information was received that Professor Esaki had died during that period on 14th December 1957.

in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(O.M.)(57)25.

14. References : The references for the works, the titles of which were placed on the *Official List of Works Approved as Available for Zoological Nomenclature* with the Title Numbers 34 and 37 respectively by the Ruling given in the present *Opinion* are as set out in Section (3) of the said Ruling. Similarly, the reference for the work, the title of which was placed on the above *List* as Title Number 38 by the Ruling given in the present *Opinion* is as set out in Section (5) of the said Ruling.

15. At the time of the Session held by the Commission in 1948, extracts from which are quoted in paragraphs 1 and 2 above, the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

16. Compliance with Prescribed Procedures : The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the undersigned Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. "Opinion" Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Sixteen (516) of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of January, Nineteen Hundred and Fifty-Eight.

Secretary to the International Commission on Zoological Nomenclature

FRANCIS HEMMING

# ANNEXE TO OPINION 516



## Report on the question of the relative precedence to be accorded to five works or portions of works dealing with the Order Lepidoptera (Class Insecta) published on unknown dates in the year 1775

## By FRANCIS HEMMING, C.M.G., C.B.E.

## (Secretary to the International Commission on Zoological Nomenclature)

The present is a Report on the question of the relative precedence to be accorded to five works or portions of works dealing with the Order Lepidoptera (Class Insecta) which has been prepared in response to a request addressed to me by the International Commission on Zoological Nomenclature at its Session held concurrently with the Thirteenth International Congress of Zoology in Paris in 1948. The lack of a definite Ruling on this subject has long been a cause of uncertainty and confusion by reason of the fact that in a considerable number of cases a previously unnamed species was named independently in two or more of the works in question and there exists no means for determining which name should be accorded precedence over the other. From the point of view of lepidopterists—especially those concerned with the Palaearctic fauna-the present is a subject of great importance and one on which a final settlement is urgently required. This question is of direct concern also to the International Commission, for in one case, that of the specific name for the type species of the genus Polyommatus Latreille, 1804, the lack of a Ruling on the above subject has so far made it impossible to insert on the Official List of Specific Names in Zoology an entry corresponding to that relating to the above generic name already made on the Official List of Generic Names in Zoology.

2. The general problem underlying the present issue was considered by the Thirteenth International Congress of Zoology at Paris in 1948 which decided to insert in the *Règles* a provision that "where two books, each containing a different name for the same taxonomic unit are published on the same day or, under the decisions already taken by the present [i.e. the Paris] Congress [(1950, *Bull. zool. Nomencl.* 4:223-225] are to be treated as having been so published by reason of the exact date of publication of the books concerned being unknown, the question as to which of the two names is to be given priority over the other is to be referred to the International Commission on Zoological Nomenclature for decision" (1950, *ibid.* 4:257). Later during the same Congress the International Commission had under consideration the special case of the entomological works published in 1775 here under consideration and agreed that the relative precedence to be accorded to these works should be determined under the procedure referred to above and it was then that, as Secretary, I was invited, after consultation with specialists, to submit proposals to this end (1950, *Bull. zool. Nomencl.* **4**: 459).

3. Following the publication in 1950 of the Official Record of Proceedings of the Paris Congress consultations were initiated on this and other cases on which that Congress had asked that Reports should be furnished. At first these consultations proceeded somewhat slowly and in 1951 it was decided to seek a wider approach by publishing in the Bulletin of Zoological Nomenclature brief particulars in regard to each of these cases, together with an appeal to interested specialists for statements of their views. The list so prepared was published on 15th April 1952 (Hemming, 1952, Bull. zool. Nomencl. 7: 191–229). The note on the problem dealt with in the present Report, which appeared as Case No. 13 (*ibid.* 7: 204–206), is reproduced in Appendix 1 to the present Report. At the time of the publication of the foregoing list Public Notice of the possible use of the Plenary Powers in the cases comprised in the above list was given in the prescribed manner, thereby placing the Commission in a position to deal with each of the problems at issue in whatever manner might appear to it to be the best.

4. The titles of the works which it is now necessary to consider are, in alphabetical order, the following :----

- (1) Cramer (P.), Uitlandsche Kapellen, vol. 1, Parts 1–7 (: 1–32)
- (2) [Denis & Schiffermüller], Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegund
  - Note on the title of the above work : The first word of the title of this work is commonly cited in the literature as being "Ankündigung", though sometimes it appears in the shorter form "Ankündung". The longer ("-ig") spelling was, for example, used by Hagen (1863, *Bibl. ent.* 2 : 122) and more recently by Horn & Schenkling (1929, *Index Litt. ent.* (4) : 1065). Inspection of the copy of this work in the library of the Linnean Society of London shows however that the spelling used in its title is the archaic shortened form "Ankündung" and not the longer form "Ankündigung" which would be employed today.
- (3) Fabricius (J.C.), Systema Entomologiae
- (4) Fuessly (J.C.), Verzeichniss der ihm bekannten schweizerischen Insekten
- (5) Rottemburg (S.A.von), "Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge", Der Naturforscher 6:1-34; 7:105-112

5. The specialists who furnished comments in the present case were, in date order, the following :---

Roger Verity (Florence, Italy) (Appendix 2, Part 1)

John G. Franclemont (then of U.S. Department of Agriculture, Agricultural Research Administration, Bureau of Entomology and Plant Quarantine, Washington, D.C., and now of Cornell University, Ithaca, N.Y., U.S.A.) (Appendix 2, Part 3)

B. J. Lempke (Amsterdam, The Netherlands) (Appendix 2, Part 4)

Cyril F. dos Passos (Mendham, New Jersey, U.S.A.) (Appendix 2, Part 5)

6. Although, as was only to be expected, the advice received from the foregoing specialists was not unanimous, it nevertheless displayed a high degree of general agreement. In particular, all the specialists agreed that the relative precedence to be accorded to the works concerned should be such as would both pay due regard to established nomenclatorial practice and to any available indications as to the part of 1775 in which any of the works in question had been published.

7. In the investigations undertaken in the present enquiry a detailed search has been made of all sources likely to throw information as to the actual dates on which the various works concerned were actually published. Particulars of the information so collected are given in the following paragraphs, together with information regarding the precedence customarily given by entomologists to the various works in question and the nature of the advice received from specialists.

## (a) Fabricius, "Systema Entomologiae"

8. The title page of the Systema Entomologiae is dated "1775" but the Dedication on the following page, which forms a half-title, bears the notation "Havniae d. xxi Nov. 1774". This inscription suggests that the whole work was completed by the end of November 1774. It creates a presumption also that publication took place fairly early in 1775, though, unless supported by other evidence, this presumption would not be a very strong one owing to the great length of this book (832 pp.) and the fact that consequently printing, even if expeditiously carried out, must have occupied a considerable period. Fortunately, however, there is conclusive evidence on this subject from the hand of Fabricius himself, for in F. W. Hope's English version of Fabricius's autobiography ([1847—1849], *Trans. ent. Soc. Lond.* **4**: 1—xvi) Fabricius is recorded as having stated :—" In 1775, at Easter, during the great fair at Leipsig, my 'Systema Entomologiae' appeared". This is a most valuable piece of evidence, for it may be taken as proving that this work was published on Easter Monday in 1775. Thus, once we have established the date on which Easter fell

in that year, we shall know the exact date on which the *Systema Entomologiae* of Fabricius was published. On this subject I appealed for assistance to my learned friend Professor the Rev. L. W. Grensted, who has very kindly informed me (*in litt.* 18th November 1957) that in 1775 Easter was late, Easter Sunday falling on 16th April. We may therefore regard it as being definitely established that Fabricius's *Systema* was published on Easter Monday, 17th April 1775.

9. In the case of the other works dealt with in the present Report there is no evidence at all as to the date on which in 1775 two of them (Fuessly's Verzeichniss and Cramer's Uitlandsche Kapellen) were published, while as regards the other two (Rottemburg's "Anmerkungen" and Denis & Schiffermüller's Ankündung) such indications as are available relate to periods in 1775 subsequent to Easter Day. Accordingly, on grounds of priority the Systema Entomologiae should be assigned precedence over all the other works concerned. On grounds of usage also there are strong reasons in favour of this course, for the practice of entomologists has been to accord to the Systema precedence over all the other works published in the same year. In this connection, for example, Franclemont observes that "it would be a catastrophe for the Commission to take any action that would upset synonymies that have been established for at least eighty years, and in some cases as much as one hundred and fifty Franclemont was presumably thinking mainly of the years ". Heterocera, the group in which he is especially concerned, for his comment does not apply with equal force to the Rhopalocera. So much so indeed that initially I was inclined to favour the placing of the Systema Entomologiae much lower down the list on the ground that some of the other authors concerned gave much more precise localities for their new nominal species, than those provided by Fabricius—a matter of great importance at the subspecies level in the case of polytypic species. Tams also originally favoured the assignment to this work of a low position, but this was for the special reason that if Fabricius were to be placed in front of Denis & Schiffermüller (paragraph 15 below) the usage of certain well-known generic names would be affected. In so far however as the names in question were names originally used by Linnaeus to denote divisions of his genus Phalaena, the difficulties referred to above have now been met in a different way by the Ruling given by the Commission under its Plenary Powers in *Opinion* 450. Dos Passos expressed the view that, if an arbitrary arrangement were to be adopted, he would favour placing Cramer (paragraph 17 below) and Rottemburg (paragraph 11 below) in front of Fabricius, but he added that, if this question were to be settled on grounds of priority, he was in agreement with Franclemont that first place should be given to the Systema Entomologiae. Lempke also supported the view expressed by Franclemont.

10. Now that the actual priority of the *Systema Entomologiae* of Fabricius over the other works published in 1775 has been fully established, that work must be accorded that position, unless the

Commission were to take the view that circumstances were such as would justify the use of the Plenary Powers to assign a lower place to this work in the table of precedence now to be established. In fact, however, no such special circumstances exist, Franclemont and others having shown that the established practice of specialists has been to treat the Fabrician names of 1775 as having priority in cases where any of the other authors of works published in that year introduced different names for the species concerned.

## (b) Rottemburg's "Anmerkungen" published in Volumes 6 and 7 of the serial publication "Der Naturforscher"

11. Rottemburg's paper entitled "Anmerkungen zu den Hufnagelischen Tabellen" was published in 1775 in two instalments in the serial publication *Der Naturforscher*, the first instalment in Volume 6 (: 1-34), the second in Volume 7 (: 105-112). This paper is of importance to students of the European fauna, for it contains descriptions and figures of a number of new species.

12. Verity has pointed out that some indication of the probable date of publication of the first instalment of the "Anmerkungen" is provided by the date "Jena 24 Marz 1775" which appears at the end of the "Vorrede" of the volume (Volume 6) of Der Naturforscher in which it was published. Unfortunately it is not known whether the volumes of this serial were published in parts or as complete units. Of these alternatives the former is the more probable, for it is unlikely that a serial publication would have been issued in such large instalments as those which would have been necessary if each volume had appeared as a single unit, Volume 6, for example, extending to 276 pages and Volume 7 to 278 pages. If in fact Volume 6 was published in parts, the first instalment of Rottemburg's "Anmerkungen", which was the first of the papers included in the volume, must have been published some considerable time before 24th March 1775, the date given at the end of the foreword which, as it was published on the same sheet (Sheet Q) as was the Table of Contents ("Inhalt") of the volume, must have been included in the last portion of the volume to be published. In that event, this instalment would have been published before the Systema Entomologiae of Fabricius which (as noted in paragraph 8 above) was published on Easter Monday (17th April) in the same year. No light on the question when Volume 6 was completed is thrown by Volume 7, for, although it is dated "1775", that volume contains no subsidiary dating to show either when it was started or when it was completed. On balance it is likely that the first instalment of Rottemburg's "Anmerkungen" was published at the latest not long after the end of March 1775 and may have been published considerably earlier. As regards Volume 7 there is no evidence as to the date in 1775 on which it was published, except that publication must have taken place after 24th March of that year, the date attached to the "Vorrede" of Volume 6. These indications are of interest as throwing some light on the question as to the period in 1775 in which the two portions of Rottemburg's paper were published, but they do not provide any evidence fixing publication as having taken place on some definite date in 1775. Accordingly under a provision adopted by the Paris Congress (1950, *Bull. zool. Nomencl.* 4 : 223–225) both instalments of the "Anmerkungen" of von Rottemburg rank for the purposes of zoological nomenclature as from 31st December 1775, that being the earliest day on which either is definitely known to have been published.

13. The advice received from specialists shows a high degree of agreement on the question of the precedence to be accorded to von Rottemburg's "Anmerkungen", all either advocating (or, in one case, acquiescing in) the assignment to this paper of a position immediately below that to be allotted to the Systema Entomologiae of Fabricius, the situation in this matter being summed up by Franclemont in the following words :-- "It has been customary to give the names of Rottemburg priority over those of Denis & Schiffermüller, but not over those of Fabricius". Of the three works published in 1775 which remain to be considered, two (Fuessly's Verzeichniss and the first volume of Cramer's Uitlandsche Kapellen) are in the same position as von Rottemburg's "Anmerkungen" in the sense that nothing is known regarding the precise date on which they were published in the year 1775. Accordingly, the relative precedence to be accorded to these three works can be readily settled under the procedure laid down by the Paris Congress to which reference has been made in paragraph 2 of the present Report. In these circumstances the evidence of usage referred to above clearly suggests that the "Anmerkungen" should be placed higher in the list of precedence than Cramer's Uitlandsche Kapellen. It is probably not of great importance whether the "Anmerkungen" should be placed on the list before or after Fuessly's Verzeichniss, for the two works are not in any material competition with one another. In view, however, of the likelihood that in fact at least the first instalment of the "Anmerkungen" was published quite early in 1775 (paragraph 12 above), while nothing at all is known regarding the month in that year in which Fuessly's Verzeichniss was published, it would be logical to assign a higher place in the list of precedence to the "Anmerkungen" than to the Verzeichniss. When, however, we come to consider the position of the Ankündung of Denis & Schiffermüller, we shall find (paragraph 15) that there is definite evidence that that work was published by a known date in 1775 earlier than 31st December and therefore that that work takes priority for the purposes of zoological nomenclature over both von Rottemburg's "Anmerkungen" and Fuessly's Verzeichniss. It will, therefore, be necessary for the Commission to use its Plenary Powers if either of the above works is to be given a higher place in the proposed table of precedence than that to be allotted to the Ankündung of Denis & Schiffermüller. For the reasons explained above it is recommended that this action should be taken in the case of the "Anmerkungen". The parallel question in relation to Fuessly's Verzeichniss is discussed in paragraph 14 below.

## (c) Fuessly, "Verzeichniss der ihm bekannten schweizerischen Insekten"

14. The work now to be considered is Fuessly's Verzeichniss der ihm bekannten schweizerischen Insekten, a work which has been introduced into the present case at Franclemont's suggestion. This work does not contain many new names but, as pointed out by Franclemont and as is also known to myself, such new names as there are have customarily been treated as having priority over the corresponding names published by Denis & Schiffermüller. On grounds of usage the grant of preference to the Verzeichniss over the Ankündung is certainly necessary. Such a procedure would, moreover, be in full accord with the advice received from specialists. For the reasons explained in paragraph 13 above the use of the Plenary Powers will be needed if this end is to be secured.

## (d) [Denis & Schiffermüller], Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend

15. The celebrated work commonly known in the last century as the Wiener Verzeichniss appeared in two issues, identical with one another except for the title page and for the fact that the earlier one bears the date "1775", whereas the later one is dated "1776". Of these editions it is the later one which is normally found in libraries, the earlier edition-the Ankündung-being extremely scarce. There are, however, copies of this edition in the library of the British Museum and in that of the Linnean Society of London. This latter, it may be noted, is Linnaeus's own copy and came to Burlington House with the remainder of his library. The Ankündung of 1775 was reviewed in the issue of 8th December 1775 of the Jenaische Zeitung von Gelehrten Sachen (98) : 825-826), as was pointed out by Prout many years ago (1900, Ann. Mag. nat. Hist. (7) 6:158-160). Certain authors (including dos Passos in connection with the present case) have advanced the view that the Ankündung of 1775 should be rejected as not having been duly published, the new names in its being credited to the edition published in 1776 under the title Systematisches Verzeichniss der Schmetterlinge der Wienergegend. In this connection it may therefore be useful to recall that the procedure to be followed in determining the date to be accorded to any given book was the subject of consideration at Paris in 1948 by the Thirteenth International Congress of Zoology which then inserted in the *Règles* a provision that, "where a work bears a date purporting to specify or to indicate the date of publication, that date is to be deemed to be correct, unless and until evidence is published showing that that date is incorrect ", (1950, Bull. zool. Nomencl. 4:223). In the present case no such evidence has been published, nor could such evidence be brought forward, having regard to the fact that (as noted above) a review of the *Ankündung* was actually published in 1775, the year which appears on the title page of that work. It must be concluded therefore not only that the *Ankündung* was duly published in 1775 but also that publication took place in that year on some date prior to 8th December.

16. In the circumstances the Ankündung ranks for priority for the purposes of zoological nomenclature as from 8th December 1775, that is, long after the Systema Entomologiae of Fabricius which ranks from 17th April 1775 (paragraph 8 above) but before the three other works covered by the present Report, all of which date from 31st December of that year. In the case of two of these works-the "Anmerkungen" of von Rottemburg and the Verzeichniss of Fuesslyit has already been explained that by long established practice the names published in them have been accorded priority over those in the Ankündung of Denis & Schiffermüller and it has been recommended that the Plenary Powers should be used to give valid force to that practice (paragraphs 13, 14 above). In the case of the third of the works concerned-Cramer's Uitlandsche Kapellen-the practice has been in the opposite sense, that is, that, in the relatively small number of cases where names for the same species have been published in both these works preference has customarily been given to the names published in the Ankündung over those published in the Uitlandsche Thus in this case customary usage and strict priority are Kapellen. in accord with one another and in consequence all that is needed is that this should be recognised by assigning a higher place in the proposed table of precedence to the Ankündung than that to be allotted to the Uitlandsche Kapellen.

## (e) Cramer, "Uitlandsche Kapellen"

17. The dates of publication of the various instalments in which the volumes-five in number, including the supplement (Aanhangsel)were published are known from the magnificent copy in dated wrappers preserved at Tring in the Rothschild Library of the British Museum (Natural History). From the same source also is known the point in this great work reached at the time of Cramer's death and therefore the point at which responsibility for the text becomes that of Caspar Stoll by whom this work was completed. From the information obtained from this source it is seen that the first seven Parts of Volume 1 of the Uitlandsche Kapellen were published in 1775. These parts comprised Signatures A to U (pp. 1-132) and plates 1 to 84. It has occasionally been suggested that the information described above should be disregarded but no evidence of any kind has ever been advanced to show that the dates on the wrappers of the parts in which this work was published were incorrect. Accordingly, under the provision inserted in the Règles by the Paris Congress quoted in paragraph 15 of the present Report the portions of Volume 1 of the Uitlandsche Kapellen cited above rank for purposes of priority as from 1775. The correct dates as determined by the dates on the wrappers preserved in the Tring copy were given for all the new names concerned

by Sherborn in his *Index Animalium*. They were published also (in 1903) in a summary form in the *Catalogue of the Books*... *in the British Museum (Natural History)* (Volume 1: 398). The full details, however, have never so far been made public. This information is now given in Appendix 3 to the present Report, it being necessary that it should be placed on record in this form in view of the fact that it will need to be cited when—as will now be necessary—the title of Cramer's great work is placed on the *Official List of Works Approved as Available for Zoological Nomenclature*.

18. All the specialists who have advised on the present case are agreed that Cramer's *Uitlandsche Kapellen* should be placed at, or near, the bottom of the table of precedence now to be established for this and the other works published in 1775. By some it was recommended that it should be placed immediately before Denis & Schiffermüller and therefore last but one on the list but by others it was placed as the last of the works concerned. Thus, the only difference of opinion was as to the relative position of these two works. We have already seen however (paragraph 15 above) that the *Ankündung* of Denis & Schiffermüller possesses a definite priority over the *Uitlandsche Kapellen*. Subject to this necessary adjustment, the allocation to the *Uitlandsche Kapellen* of the last place in the list is in full accord with the advice received from the specialists consulted.

#### **Conclusions and Recommendations**

19. Having concluded my account of the investigations in regard to the dates of publication of the five works or portions of works dealing with the Order Lepidoptera which were published in 1775 and having obtained the advice of specialists in that Order as to the relative precedence which it is desirable should be allotted to those works, I have now in discharge of the request made to me in Paris in 1948, to report that I am of the opinion that the adoption of the under-mentioned order of precedence for the works in question would secure the highest degree of consonance obtainable between the actual or probable priorities of those works in relation to one another and the priorities customarily accorded by lepidopterists to names published in those works :—

- (1) Fabricius (J.C.), 1775, Systema Entomologiae;
- (2) Rottemburg (S.A.von), "Anmerkungen zu den Hufnagelischen Tabellen", published in the serial publication *Der Naturforscher*, Volume 6 (: 1-34) and Volume 7 (: 105-112);
- (3) Fuessly (J.C.), Verzeichniss der ihm bekannten schweizerischen Insekten;
- (4) [Denis (M.) & Schiffermüller (I.)], Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener-Gegend;

(5) Cramer (P.), Uitlandsche Kapellen, Volume 1, Parts 1-7 (: 1-132).

20. I accordingly submit the following recommendations to the International Commission on Zoological Nomenclature, namely, that it should :---

- (1) use its Plenary Powers to direct that for the purposes of zoological nomenclature :----
  - (a) the paper by Rottemburg (S.A.von) entitled "Anmerkungen zu den Hufnagelischen Tabellen" published in 1775 partly in Volume 6 (: 1—34) and partly in Volume 7 (: 105—112) in the serial publication *Der Naturforscher*, be treated as having priority over the under-mentioned works published in the same year :--
    - (i) Fuessly, Verzeichniss der ihm bekannten schweizerischen Insekten;
    - (ii) [Denis & Schiffermüller], Ankündung [sic] eines systematisches Werkes von den Schmetterlinge der Wiener Gegend.
  - (b) the work by Fuessly specified in (a)(i) above be treated as having priority over the anonymous work by Denis & Schiffermüller specified in (a)(ii) above.
- (2) direct that the five works or parts of works enumerated in paragraph 19 of the present Report be treated as having for the purposes of relative priority the precedence shown in the list specified in the said paragraph;
- (3) place on the Official List of Works Approved as Available for Zoological Nomenclature the titles of each of the five works referred to in (2) above, each entry so made to specify the precedence there assigned to the work concerned in relation to each of the four other works enumerated in paragraph 19 of the present Report;
- (4) complete the entry relating to Parts 1—7 of Volume 1 of Pieter Cramer's work entitled Uitlandsche Kapellen to be made on the Official List of Works Approved as Available for Zoological Nomenclature under (3) above by inserting on the said List information relating to the remaining portions of the above work with particulars of the contents and dates of publication of each of the parts in which this work was published as determined by the copy preserved in wrappers (covers) in the Library of the British Museum (Natural History), The Zoological Museum, Tring, details of which are given in Appendix 3 to the present Report.

20th November 1957

## APPENDIX 1 TO THE SECRETARY'S REPORT

## Five works on the Order Lepidoptera published in 1775 : Appeal to specialists for advice on the question of relative priority issued in April 1952

(reprinted from Hemming, 1952, Bull. zool. Nomencl. 7: 204-206)

Case 13 : Relative priority to be accorded to names published for butterflies in 1775 in certain books and papers (a) by Pieter Cramer, (b) by J. N. C. M. Denis & Ignaz Schiffermüller, (c) by Johann Christian Fabricius, and (d) by S. A. von Rottemburg

28. At its Session held in Paris in 1948 the International Commission on Zoological Nomenclature recommended, and the Thirteenth International Congress of Zoology agreed, that there should be added to the *Règles* a provision that, where, under the Articles then agreed to be so inserted for the purpose of determining the dates of publications of books containing new zoological names (1950, *Bull. zool. Nomencl.* **4**: 223–225), it was impossible to ascertain which of any two books or papers had been published, or was to be deemed to have been published, before the other, the question was to be referred to the International Commission for decision (1950, *ibid.* **4**: 257). Later during the same Session the Commission agreed to take such a decision after consultation with specialists for the purpose of settling the hitherto insoluble problem in the nomenclature of the Order Lepidoptera (Class Insecta) presented by four works, each containing new names of butterflies and moths, published in the year 1775.

29. The works in question are : (1) the eight Parts in which the first volume of Pieter Cramer's *Uitlandsche Kapellen* was published ; (2) the celebrated work commonly known as the "Wiener Verzeichniss", published anonymously by J. N. C. M. Denis and Ignaz Schiffermüller under the title *Ankündung eines systematisches Werkes von den Schmetterlingen der Wienergegend* ; (3) the well-known *Systema Entomologiae* of Johann Christian Fabricius ; (4) the important paper entitled *Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge* by S. A. von Rottemburg published in the serial publication *Naturforscher* (volume

6, pp. 1-34; vol. 7, pp. 105-112). The importance of reaching a decision on the foregoing matter is due partly to the fact that in the above works different names are published for the same species (thus raising the question of how to apply the Law of Priority) and the same names given to different species (thus raising the question of how to apply the Law of Homonymy).

30. The view of interested specialists as to the best way in which to settle the foregoing question, i.e. how to settle this question with the minimum of interference with current nomenclatorial practice, will be extremely welcome to the International Commission. Being myself an interested specialist in this particular matter, I should like tentatively to submit the following considerations :--(1) It will never be possible to establish with certainty the relative dates of publication of the foregoing works by Denis & Schiffermüller and by Fabricius and of the various parts in which the first volume of Cramer's Uitlandsche Kapellen and the first two instalments of Rottemburg's Anmerkungen were published and, therefore, until a definite decision is taken by the International Commission under the powers specially conferred upon it by the International Congress of Zoology for settling cases of this kind, it will remain impossible to stabilise the nomenclature of those species for which new names were published in two or more of the foregoing works in those cases where it is necessary to reach a conclusion as to the application of the Law of Priority or of the Law of Homonymy in relation to such names; (2) For the foregoing reasons it is highly desirable that the long-standing confusion and instability which has resulted from the impossibility of determining the relative priority to be accorded to the competing names concerned should be brought to an end by a decision by the Commission as to the relative priority to be accorded to the four works with which we are concerned. (3) Since any such decision would have to be based upon considerations other than actual dates of publication (which, as already explained, it is impossible to ascertain), it would be possible, when settling the order of relative priority to be adopted, to pay regard to other criteria of value in the determination of the species concerned. The provision I have particularly in mind is the provision of an adequately defined and sufficiently restricted type locality, this being a matter of great importance at the subspecies level in the case of polytypic species, such as are most of those with which we are here concerned. From this point of view Denis & Schiffermüller's Ankündung stands out preeminently by reason of the information (provided in the title) that the species described therein were all from the "Wienergegend"; next comes Rottemburg's Anmerkungen, which also contains good indications in regard to type localities, accompanied in some case by plates which (judged by the standards of the time) must be considered quite Judged by the foregoing standards Cramer's Uitlandsche good. Kapellen would come next, for, although the localities given refer normally to countries only and not to places, they are usually to be relied upon and are moreover supplemented by coloured plates. From

every point of view the *Systema* of Fabricius is the least satisfactory of the books with which we are here concerned; it has no plates; the Latin descriptions are very brief; the citation of bibliographical references to earlier works at times adds to the difficulties of identification (at least the subspecies level); the localities cited are lacking in precision. For the reasons summarised in (3) above, I would suggest for the consideration of my colleagues that the order of priority which would be calculated to give the most satisfactory results would be :— (a) Denis & Schiffermüller; (b) von Rottemburg; (c) Cramer; (d) Fabricius. While a settlement on the foregoing basis would, I believe, in general prove superior to any other, individual cases would, no doubt, arise where such an order of priority would give priority to the less important of some given pair of names, but this would be inevitable whatever order of priority was adopted. It is suggested, therefore, that, if this were to happen in any case where confusion would be likely to result, the situation should be remedied by invoking the use of the Commission's Plenary Powers.

31. It is particularly hoped that, in order that a satisfactory settlement may be reached in regard to the long-outstanding difficulty discussed above, lepidopterists will be good enough to furnish the Commission with their views as to the action which it is desirable should now be taken. It will be of great assistance if, in commenting on this problem, specialists will be so kind as to give particulars of any cases of which they may be aware (1) where the same species has been given two or more names in the books and papers here under consideration or (2) where a new name given to a species in any of the above works is a homonym of another name given to some other species in another of these works.

## **APPENDIX 2 TO THE SECRETARY'S REPORT**

## Comments received from specialists on the question of the precedence to be accorded to five works on the Order Lepidoptera published in 1775

## PART 1 OF APPENDIX 2

## Comment by ROGER VERITY (Florence, Italy)

## (Extract from a letter dated 19th December 1949)

I am most interested to hear that an effort is being made to settle the enormously important question regarding the priority of Rottemburg's and Schiffermüller's works and I shall be most grateful if you will let me know the results. All that I can say about this matter is that Rottemburg is dated 24th March 1775, whereas Schiffermüller has no month and must be considered as of 31st December.

## PART 2 OF APPENDIX 2

## Comment by N. D. RILEY and W. H. T. TAMS

## (British Museum (Natural History), London)

## (Letter from N. D. Riley, dated 21st April 1950)

I had a long talk with Tams today about the four conflicting works published in 1775.

He is apparently firmly convinced that the proper thing to do is to put the "Wiener Verzeichniss" first, followed by the *Systema* of Fabricius. The reason for this depends much more upon the validity of generic names than of trivial names, and in respect of the latter he quite agrees, as I do, that if any awkward points arise they should be dealt with under the special dispensation system. There is a slight difficulty in the GEOMETRIDAE in that Prout consistently gave priority to Fabricius, but as Tams assures me that this only affects about half a dozen names, there is perhaps not a serious difficulty even here.

With regard to Volume I of Cramer and von Rottemburg's *Tabellen*, we both feel that the latter should be given priority for two principal reasons, firstly that von Rottemburg's names seem on the whole to have been more used than Cramer's where the two conflict, and secondly because Cramer's names refer mainly to exotic butterflies, concerning which there is far less literature than is the case with Rottemburg's names, which are mainly palaearctic and well-known species.

Tams cannot recall offhand any important pairs of species in the Moths likely to be upset if we adopted this plan. Incidentally, he calls attention to a little bit of evidence in respect of the date of Fabricius's *Systema* which may be unknown to you. It is on page xviii of the "Accentuated List of British Lepidoptera". You will find it stated there, and attributed to Fabricius, that his *Systema* was published at Easter in 1775.

NOTE : On being informed today that it had now been definitely established that the *Systema Entomologiae* of Fabricius was published on 17th April 1775 (see paragraph 8 of covering Report), Mr. Riley said that he no longer felt it possible to argue in favour of giving precedence to Denis & Schiffermüller over Fabricius, for in the circumstances now disclosed Fabricius's *Systema* clearly had priority over the "Wiener Verzeichniss". (intld. F.H. 21st November 1957)

## PART 3 OF APPENDIX 2

## Comment by JOHN G. FRANCLEMONT

(U.S. Department of Agriculture, Agricultural Research Administration, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.)

## (Letter dated 11th June 1952)

## Five books on Lepidoptera published in 1775

The following notes and comments are prompted by your discussion in the *Bulletin of Zoological Nomenclature* **7**: 204–206, 1952, on the priority to be assigned to four works published in 1775 and dealing with the Order Lepidoptera. There is a fifth work which must also be considered; it is "Verzeichniss der ihm bekannten Schweitzerischen Inseckten " by Joh. Casper Fuesslins (Füessly) published at Zurich (und Winterthur) in 1775. The preface is dated " Zurich der 24 Febr. 1775 ", and the title page " 1775 ".

I would rank the five works for purposes of priority as follows :---

1. Fabricius, J. C. Systema Entomologiae. This is known to have been published around Easter in the year 1775. Fabricius in his autobiography makes the statement that it appeared during the Easter Fair at Leipsig in 1775; Easter in 1775 was April 16. Thus it is absolutely safe to assign a date between April 16 and 30 of 1775 to this work. (See : Julius Schuster, Linné und Fabricius zu Ihrem Leben und Werk, p. 102, 1928 (Fascimile), also F. W. Hope, Trans. Ent. Soc. London, vol. 4, Appendix, "Auto-Biography of Fabricius", pp. viii—ix, 1845—47. Every catalogue and every work I have consulted gives this work priority over everything else published in 1775.)

2. von Rottemburg, S. A. Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge, in Der Naturforscher, Stuck 6, pp. 1–34, 1775 and Stuck 7, pp. 105–112, 1775. It has been customary to give the names of Rottemburg priority over those of Denis and Schiffermüller, but not over those of Fabricius. I think the nicest summary of the names in the European Lepidoptera is to be found in Werneburg, Adolf, "Beitrage zur Schmetterlingskunde" published in 1864.

3. Füessly, J. C. "Verzeichniss der ihm bekannten Schweitzerischen Inseckten". The few names in this work have always been given precedence over the names of Denis & Schiffermüller.

4. Cramer, P. De Uitlandische Kapellen etc. (or Papillons Exotiques etc.), vol. 1, parts 1-7, pp. 1-132, pls. 1-84, 1775. Considerable discussion has been waged over how much of this work appeared in 1775, if any. Some individuals are not prone to put much stock in the dates on the covers of the first seven parts. Sulzer, 1776, March, mentions only three parts, but he is not listed as a subscriber, so it may be that he was late in obtaining his copies of the parts. It has always been customary to cite Cramer names in the synonymy of the Fabrician names wherever such action was called for. Kirby in his "Synonymic Catalogue of Diurnal Lepidoptera", 1871, is consistent in applying this priority to the work of Fabricius. To my knowledge, no one has disputed this, and subsequent workers have reaffirmed it and insisted upon it.

5. [Denis (J.N.C.M.) & Schiffermüller (I.).] Ankündung eines systematisches Werkes von der Schmetterlinges der Wiener Gegend. As you are well aware, most copies of this work are dated 1776 and appear under the title "Systematisches Verzeichniss der Schmetterlinger der Wienergegend", and there was even some doubt that it really appeared in 1775. However, the work was reviewed early in

December of 1775, in the Jenaische Zeitungen von Gelehrten Sachen (see : Prout (L.B.), Ann. Mag. nat. Hist. (ser. 7) vol. 6, p. 159, 1900), and thus we can safely say that some copies did appear sometime, probably late, in 1775. To my way of thinking this is a most unsatisfactory work ; many of the new names are nomina nuda, and must date from the first author to give some indication as to what they go with. May I cite one instance? On pages 86 (bottom) and 87 (top), where part of the "Sallows" of English Lepidopterists are first represented by names, especially croceago, rutilago, flavago, luteago, aurago, sulphurago, cerago, and gilvago, nothing occurs but a common name in German, certainly this is not enough to tie the names down, and it has never been construed as enough by serious workers; these names are credited mostly to Fabricius or to Hübner. Actually, in cases of doubt it is to Hübner we have to turn to known what Schiffermüller had before him ; it is a well-known fact that both Hübner and Schiffermüller worked together quite closely. The case I have cited is duplicated many times. Where one has a running key in the text, a case can be made for the species, but often you end up with two or more species differentiated only by common names. If it were not for the almost universal acceptance of some of the names from this work by leading European workers, I don't think most Americans would give it any validity. It concerns us only insofar as the identity of a genotype species becomes a question. Nowhere can I find any author who has given the names of this work precedence over those of Fabricius published in the same year.

However unsatisfactory Fabricius's *Systema Entomologiae* may be from the subspecies viewpoint, I think there is every evidence to indicate that it was the first to appear in 1775 and that it has universally been accorded precedence over all the other works published in the same year. I think it would be a catastrophe for the Commission to take any action that would upset synonymies that have been established for at least eighty years, and in some cases as much as one-hundred and fifty years or more.

## PART 4 OF APPENDIX 2

## Comment by B. J. LEMPKE

(Amsterdam, The Netherlands)

(Letter dated 23rd June 1952)

I had the intention to write to you about your proposal regarding. the succession of the publication of certain works in 1775 when Mr. Franclemont sent me a copy of the letter that he had directed to you.

This makes the matter very easy for me, for I need only declare that I fully agree with him.

In case the acceptance of Fabricius before Schiffermüller should cause the abandonment of some well-known name, it would be easy to place Schiffermüller's name on the *Official List of Specific Names in Zoology*. But this is likely to be necessary only in rare cases. I studied of late the nomenclature of the Dutch AGROTIDAE and GEO-METRIDAE and found only one case in which it was advisable to use this procedure.

## PART 5 OF APPENDIX 2

## Comment by CYRIL F. DOS PASSOS

## (Mendham, New Jersey, U.S.A.)

## (Enclosure to a letter dated 20th October 1952)

## Concerning the relative priority to be assigned to five books dealing with Lepidoptera and claimed to have been published on unknown dates in 1775

Prior references to this subject will be found in the Bulletin of Zoological Nomenclature (1950, 4:223–225, 257, 459; 1952, 7: 204–206), where the situation is explained by the Secretary of the International Commission on Zoological Nomenclature, who concludes "... that the order of priority which would be calculated to give the most satisfactory results would be :—(a) Denis & Schiffermüller [1775, Ankündung eines systematisches Werkes von den Schmetterlingen der Wienergegend herausgegeben von einigen Lehrern am k. k. Theresianum]; (b) von Rottemburg [1775, Anmerkungen zu den Hufnagelischen Tabellen der Schmetterlinge]; (c) Cramer [(1775–1776), De uitlandsche kapellen voorkomende in de drie waereld-deelen Asia, Africa en America]; (d) Fabricius [1775, Systema entomologiae, sistens insectorum classes, ordines, genera, species, adiectis synonymis, locis, descriptionibus, observationibus], ..." (1952, tom. cit. : 206).

2. In reaching the foregoing conclusion the Secretary has been influenced chiefly by the fact that he considers it impossible to ascertain

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the exact dates of publication of these works; that he believes the work of Denis & Schiffermüller was published in 1775, and because that work fixes type localities rather precisely for the specimens described. However, the date 1775 is believed by the writer to be erroneous, and the locality mentioned in the title to the work will no longer be a matter of supreme importance once the designation of neotypes and the fixation of type localities by authors are recognized by the *Règles*. The work of Denis & Schiffermüller is in German, and contains very few figures of adult Lepidoptera.

The Secretary's assertion that the work of Denis & Schiffermüller was published in 1775 appears to be based upon the fact that a copy with such a "title page" is in the Library of the British Museum (Bloomsbury), and another copy is in the Library of the Linnean Society, London. These appear to be the only known copies with such a "title page". This so-called 1775 "title page", of which a photostat is in my personal library, is not, in my opinion, a title page at all. It is merely an announcement ("Ankündung") of the work by the publisher. The only actual title page is that of 1776. Placing these two pages in juxtaposition makes this point abundantly clear :—

Ankündung Sy eines Systematischen Werkes von den Schmetterlingen der Wienergegend herausgegeben von einigen Lehrern am k. k. Theresianum. Wien, ver verlegts Augustin Bernardi Buchhändler, 1775

Systematisches Verzeichniss der Schmetterlinge der Wienergegend herausgegeben von einigen Lehrern am k. k. Theresianum Wien verlegts Augustin Bernardi Buchhändler 1776

Consequently, the Denis & Schiffermüller work cannot be considered as having been published in 1775, and is, therefore, eliminated from the consideration of works published during that year.

In coming to the above conclusion I am not unmindful of a paper by Prout (1900) in which he states that the "Ankündung" was reviewed in the *Jenaische Zeitungen von Gelehrten Sachen* (Stück **98** : 825—826) on 8th December 1775. But there is no evidence, except the date, when this number of that periodical was actually published, and we know only too well from experience that few set 'als are issued on the date they bear. Furthermore, even if a copy of the Denis & Schiffermüller work with the 1775 " title page " was sent to an editor for review a form of advance advertising—toward the end of 1775, that fact would not constitute publication within the meaning of the *Règles* (see generally *Opinion* 97, October 1926, and Ferris, 1928 : 157). All other copies of this work that it has been possible to examine or learn about bear the regular 1776 title page. Prout (1900, *tom. cit.* : 160) concludes his paper by stating :

I have at present quite an open mind as to whether the date 1775 should be accepted for this work or not; but in the meanwhile I venture to make a practical suggestion that for "priority" rank it should be placed after the other 1775 literature (Fabricius, *Syst. Ent.*; *Naturforscher* vi., vii., &c.), but before that of 1776 (Sulzer, *Abgek. Geschichte*; Müller, *Zool. Dan. Prodr.*; *Naturforscher* viii. &c.).

The so-called 1775 edition of Denis & Schiffermüller was not in the Library of the British Museum (Natural History) when the original Catalogue of the Library (1903, 1:440) was published, and the 1775 "title" without any collation other than size is enclosed in square brackets. This entry is followed by a so-called "Another issue entitled :" also in square brackets, followed by the title of the 1776 edition. The supplementary volumes of the Catalogue of the Library contains no further information on this subject, under either Denis (1922, 6:261) or Schiffermüller (1940, 8:1150).

As has been the usual practice among modern authors, I, myself, have used 1775 for the date of this work, but upon examining the matter more critically while preparing this paper, have concluded that I was in error.

This leaves the works of von Rottemburg, Cramer, and Fabricius to be considered.

3. The Secretary's second choice is the paper by von Rottemburg actually a commentary on a paper by Hufnagel (1776—1768)—which was published in two volumes of a periodical. This work is in German also, and does contain some good indications of type localities and some plates.

4. The third choice of the Secretary is the first volume of the work of Cramer. This was published in eight parts during 1775 and 1776 (Kirby, 1878; Brown, 1941; Comstock, 1942). Some of the parts must have appeared rather early in 1775, so as to conclude the publication of seven parts of this rather sizable volume during that year. The early publication of some of the first seven parts in 1775 is evidenced further, perhaps by the fact (that the preface is dated "2 Decembre 1774". That this volume was not completed in 1775 is established by Kirby (*loc. cit.* : 278), who claims to have examined a copy in the original covers and states that plates 85 to 96 were published in 1776. Nothing is said concerning the text (pp. 133–156) which refers to these plates, but Brown (*loc. cit.* : 128) states that they appeared in

1776. The text of this work is in parallel columns in Dutch and French, so that it may be assumed that more individuals are able to read it than if it were published in one language only. Type localities are given for all species, some rather indefinite it must be admitted, others fairly precise, and all generally reliable. Also, all described species are figured in colour, a very important consideration in dealing with the older descriptions.

5. Probably few will differ with the Secretary's view that the work of Fabricius should be the last choice. It is unnecessary to repeat the reasons for this, as they have been set forth ably by the Secretary (1952, *tom. cit.* : 206).

6. After considering all the facts and the inferences that may be drawn from them, it is the writer's opinion that it would be best to give priority to Cramer's work, to be followed by von Rottemburg, and Fabricius, in that order.

7. Since drafting this paper, Dr. John G. Franclemont, formerly of the Department of Entomology, United States National Museum, Washington, D.C., now of the Department of Entomology, Cornell University, Ithaca, New York, has been kind enough to furnish me with a copy of a letter dated 11th June 1952 that he wrote to the Secretary on this subject. Examining the problem strictly from the point of view of priority of publication, he concludes that the works discussed by the Secretary, and one other that he places in the same category, should rank as follows : (1) Fabricius, (2) von Rottemburg, (3) Fuessly's "Verzeichniss der ihm bekannten Schweitzerischen Insekten", (4) Cramer, and (5) Denis & Schiffermüller. Of course, with the Secretary's approach to the problem from the point of view of utility, different results were bound to follow. The first question to be decided then by the Commission is that of priority or utility. If the decision is in favor of the former, I agree fully with Dr. Franclemont's conclusions. Otherwise the solution proposed in paragraph 6 above is recommended.

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## APPENDIX 3 TO THE SECRETARY'S REPORT

Particulars of the contents and dates of publication of the Parts in which the several portions of the work by Pieter Cramer entitled "Uitlandsche Kapellen" were issued, as determined by the copy preserved in wrappers (covers) in the library of the "British Museum (Natural History), The Zoological Museum, Tring "

## (a) Written by Pieter Cramer and published during his lifetime Volume 1 [1775—1776]

Part No.	Te Signatures	ext Pages	Plates	Date as shown on wrappers (covers) of the Parts in which published
1	A—C	1-18	I-XII	[1775]
2	D—F	19	XIII—XXIV	[1775]
3	G—I	39-60	XXV—XXXVI	[1775]
4	K—L	61—76	XXXVII—XLVIII	[1775]
5	M—O	77—94	XLIX-LX	[1775]
6	PR	95-114	LXI-LXXII	[1775]
7	S—V	115-132	LXXIII-LXXXIV	[1775]
8	X—Z	133-156	LXXXV—XCVI	[1776]

## Volume 2 [1777]

Part No.	Te	ext	Plates	Date as shown on wrappers
	Signatures	Pages		(covers) of the Parts in which published
9	A—C	1-18	XCVII-CVIII	[1777]
10	D—F	19—36	CIX-CXX	[1777]
11	G—I	37—56	CXXI—CXXXII	[1777]
12	K—M	57—76	CXXXIII—CXLIV	[1777]
13	N—P	77—94	CXLV-CLVI	[1777]
14	Q—R	95-110	CLVII—CLXVIII	[1777]
15	S—U	111-128	CLXIX-CLXXX	[1777]
16	$\left\{\begin{array}{c} X-Z\\Aa-Aa2\end{array}\right.$	129—146 147—152	CLXXXI—CXCII	} [1777]

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#### **OPINIONS AND DECLARATIONS**

## Volume 3 [1779-1780]

Signatures	Pages		on wrappers (covers) of the Parts in which published
AC	1—20	CXCIII—CCIV	[1779]
D—F	21—40	ccv—ccxvi	[1779]
G—I	41—62	CCXVII—CCXXVIII	[1779]
K—M	63—80	CCXXIX-CCXL	[1779]
N—P	81—104	CCXLI-CCLII	[1779]
	his death by		21
	A—C D—F G—I K—M N—P	AC 1-20 DF 21-40 GI 41-62 KM 63-80 NP 81-104 *(b) Written by Cram his death by	AC       1-20       схспп-ссіv         DF       21-40       ссv-ссхvi         GI       41-62       ссхvп-ссхvп         KM       63-80       ссххіх-ссхl         NP       81-104       ссхl-сссlп         *(b) Written by Cramer and published after his death by Caspar Stoll

22	Q—S	105-128	CCLIII—CCLXIV	[1780]
23	T—X	129—152	CCLXV—CCLXXVI	[1780]
24 {	Y—Z Aa—Bb	153—168 169—176	cclxxvII—cclxxxvIII }	[1780]

## Volume 4

(Iffst portion)	25 26 (first portion)	A—C D	1—20 21—28	CCLXXXIX—CCC CCCI—CCCIV	[1780] [1780]
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\* Cramer died in 1780, but the publication of the Uitlandsche Kapellen was continued without interruption by his associate Caspar Stoll. At first Stoll did no more than see through the press the manuscripts left behind by Cramer, doing no more than add an occasional signed footnote. Later, however, Stoll assumed full responsibility for the text and new names published in this latter portion are accordingly attributable to Stoll and not to Cramer. The first part seen through the press by Stoll was Part 22 (containing pages 105–128 of Volume 3), on pages 107–108 and 115–116 of which there are footnotes signed by Stoll, the first which contains (:107) a reference to the death of Cramer (here referred to as "feu Mr. P. Cramer"). That the text of this Part was written by Cramer is shown by the numerous references in it to "Mr. Stoll" (e.g. on pp. 109, 111, 115, etc.). Similar evidence shows that the text of Parts 23–25 (comprising the remainder (pp. 129–176) of Volume 3 and the first three Signatures (Signatures A–C), comprising pp. 1–20 of Volume 4. were written by Cramer. Part 26 contained three Signatures (Signatures D–F), the first of these comprising pp. 21–28)) contains a reference (:28) to "Heer C. Stoll" and, as noted by Sherborn, was clearly written by Cramer. On the other hand, Signature E (:29–36) and Signature F (:37–44) are clearly the work of Stoll, as is shown by no less than five notes inserted in the text and signed by Stoll (:33; 34; 36; 41; 43). From page 29 of volume 4 onwards new names should therefore be attributed to Stoll and not to Cramer. In one case only does the internal evidence on the question of authorship provided by the text affect the currently accepted dates of publication. This is in relation to Part 22, which is commonly treated as having been published in 1779, but which, owing to the reference in it on page 107 to the death of Cramer cannot have been published before 1780, the year in which Cramer died.

## (c) Continuation by Caspar Stoll

Part No.	Te	xt	Plates	Date as shown on wrappers (covers) of the
	Signatures	Pages		Parts in which published
26 (second portion)	E—F	29—44	CCCV—CCCXI	[1780]
27	G—K	45-72	CCCXII—CCCXXIV	[1780]
28	L—N	73—90	CCCXXV—CCCXXXVI	[1780]
29	O—Q	91—114	CCCXXXVII—CCCXLVIII	[1781]
30	R—T	115—138	CCCXLIX—CCCLX	[1781]
31	V—Z	139—164	CCCLXI-CCCLXXII	[1781]
32	Aa—Dd	165—192	CCCLXXIII—CCCLXXXIV	[1782]
33	Ee—Hh	193—224	CCCLXXXV—CCCXCVI	[1782]
34	$\begin{cases} Ii-Mm \\ A-G^* \\ TP (d.1782) \end{cases}$	225—252 1—29	cccxcvii—cccc }	[1782]

\* This separately paged item, though published, as shown, in the last Part of the Uitlandsche Kapellen, is an entity written by Stoll. As in the case of the Uitlandsche Kapellen, the title of this unit is in both Dutch and French on the title page. The first of these titles—the Dutch title—reads as follows :—

"PROEVE VAN EENE RANGSCHIKKINGE DER DONSVLEUGELIGE INSECTEN, LEPI-DOPTERAE. Welker Afbeeldingen in de vier Deelem van dit Werk zyn te vinden. DOOR CASPAR STOLL."

## Aanhangsel van het Werk, de Uitlandsche Kapellen (by Caspar Stoll)

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